

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

WILLIAM J. O'BRIEN III

Criminal No. 15-0021-1

January 28, 2016

RECEIVED  
FEB 01 2016

- MOTION TO DISMISS BOTH GOVERNMENT'S RESPONSE TO DEFENDANT'S:  
- MOTION FOR HEARING TO CHALLENGE SEARCH WARRANT  
- FOURTH MOTION TO COMPEL DISCOVERY

Defendant, Dr. William O'Brien, acting pro se, asks the Court to find both of the above Government Responses as moot. They are untimely and are time-barred.

The government's response has been untimely filed. On November 23, 2015 this Court ordered a SECOND REVISED SCHEDULING ORDER. "1. any pretrial motion is to be filed and served on or before January 4, 2016, and any response thereto shall be filed by January 18, 2016."


January 18, 2016 was a Federal holiday, Martin Luther King Jr. Day. The government then gets the 19th to file. Both responses, per the certificate of service, and stamped envelopes, were filed on the 21st of January 2016. This is 2 days late, untimely, and the responses should therefore be time-barred. Rule 12(c) of Federal Rules of Criminal Procedure delineates that once the deadline is set, that deadline is to be followed. The government's responses should be found MOOT.

The arguments are waived under Rule 12(c); a party waives any defense, objection, or request not raised by the deadline the court sets under Rule 12. The 3rd Circuit CA3 made it clear that this provision applies equally to the government's arguments. *CVS v. Stearn*, 597 F.3d 540 (3rd Cir.) ("the government is subject to the ordinary rule that an argument not properly raised in the Dist. Cir. is waived")

Thus, any theories countering the motions that were timely filed by the defendant are waived if not timely raised in accordance with the Dist. Cir. scheduling orders.

I remind the Court that an order was signed for "Complex Case" designation of case 15-545. Under 2(c) of that order "The defendant requires sufficient time to prepare to defend against the charges in No. 15-0021, on which carries a mandatory minimum of 20 years imprisonment." paragraph 4, "In light of all the above, scheduling this case to proceed to trial before No. 15-0021 would disadvantage the defendant." My objection to the order has been filed; as is my Motion to Dismiss that case for untimeliness and statute of limitation.

The 8 motions (I - VIII) that I filed on time have not been responded to and I ask that the Court find in my favor and order each of the them accordingly. Note: MOTION II. Dismissal Due to Outrageous Government Conduct. Also, I request a Suppression Hearing immediately since the warrantless search and seizure, including 19 video/audio recordings (and the subsequent Fruit of the Poisonous Tree) needs to be suppressed.  
Respectfully Submitted,

  
William O'Brien